

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated August 26, 2008 has been received and its contents carefully reviewed.

Claims 3, 5 and 11 are hereby amended; claims 1, 2, 4, 7 and 12 are hereby canceled without prejudice to or disclaimer of the subject matter contained therein. Accordingly, claims 3, 5, 6, 8-11 and 13-15 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

Claims 2 and 5 are objected to for informalities noted therein. *Office Action* at p. 2, ¶ 1. The objection to claim 2 is moot as claim 2 is canceled herein. Applicant does not necessarily agree with the Office but has amended claim 5 in the interest of advancing prosecution. Accordingly, Applicant respectfully requests that the Office withdraw this objection.

The disclosure is objected to for informalities noted therein. *Office Action* at p. 2, ¶ 2. Applicant respectfully disagrees. The bracket, to which the Office refers to in the objection, is described, at least, at p. 9 lines 7-10 of the specification. Accordingly, Applicant respectfully requests that the Office withdraw this objection.

Claims 1-6 are rejected under 35 U.S.C. §102(b) as being anticipated by EP 1,329,546 to Ambrosi (hereinafter “*Ambrosi*”). *Office Action* at page 2, ¶ 2. The rejection of claims 1, 2 and 4 is moot as claims 1, 2 and 4 are herein canceled. Applicant respectfully traverses the rejection of the remaining claims and requests reconsideration.

Independent claim 3 is allowable over the cited reference in that claim 3 recites a combination of elements including, for example, “a soft member connected between the sides of the switch body divided into two sides for enabling the two sides of the switch body to fold or open as the soft member is bent; wherein the water protector is a bracket at one of the divided two sides of the switch body over the sensor space to cover a joining surface of the divided two sides of the switch body from over the joining surface.” The Office admits that *Ambrosi* “does not explicitly disclose a soft member connected between the two sides of the switch body.”

Office Action at p. 4. Thus, *Ambrosi* does not describe, expressly or inherently, at least this feature of the claimed invention.

Further, *Ambrosi* discloses a “microswitch M protected by a suitable cover N” and a “tray R [that] is capable of collecting in region B a possible water leak.” *Ambrosi* at ¶¶ [0018], [0020] and FIG. 3. As shown, *Ambrosi*’s float switch is not foldable. Nor does it need to be foldable because, *Ambrosi* does not consider a possibility of a leakage from a joining surface entering the sensor. Moreover, *Ambrosi* is entirely silent as to any description, express or inherent, concerning a “water protector [that] is a bracket at one of the divided two sides of the switch body over the sensor space to cover a joining surface of the divided two sides of the switch body from over the joining surface.” Accordingly, *Ambrosi* does not describe all of the features recited in independent claim 3.

For at least these reasons, Applicant respectfully requests that the Office withdraw the 35 U.S.C. §102(b) rejection of independent claim 3. Claims 5 and 6 depend from independent claim 3. It stands to reason that the 35 U.S.C. §102(b) rejection of those dependent claims should be withdrawn as well.

Claims 7-10 and 12-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ambrosi* in view of DE 198 41 372 to Muther (hereinafter “*Muther*”). *Office Action* at p. 4, ¶ 2. The rejection of claims 7 and 12 is moot as claims 7 and 12 are canceled herein. Applicant respectfully traverses the rejection and requests reconsideration.

Independent claim 3 is allowable over the cited reference in that claim 3 recites a combination of elements including, for example, “a soft member connected between the sides of the switch body divided into two sides for enabling the two sides of the switch body to fold or open as the soft member is bent; wherein the water protector is a bracket at one of the divided two sides of the switch body over the sensor space to cover a joining surface of the divided two sides of the switch body from over the joining surface.” Independent claim 11 is allowable over the cited references in that claim 11 recites a combination of elements including, for example, “a switch body divided into two sides, ... and a soft member connected between the sides of the switch body divided into two sides for enabling the two sides of the switch body to fold or open as the soft member is bent, wherein one of the two sides of the switch body includes a portion

over the sensor space extended to cover a portion of the other side of the switch body over the sensor space.” The Office admits that *Ambrosi* “does not explicitly disclose a soft member connected between the two sides of the switch body.” *Office Action* at p. 4. Accordingly, *Ambrosi* does not teach or suggest all of the features recited in independent claim 11.

Muther fails to cure the deficiencies of *Ambrosi*. *Muther* teaches that “the float (3) and the switch (4, 4a) are encased completely by the housing (1), which features a bolt (6,7) molded on its underside (1a).” *Muther* at Abstract and FIG. 1. *Muther* is entirely silent as to any teaching or suggestion concerning “a bracket at one of the divided two sides of the switch body over the sensor space to cover a joining surface of the divided two sides of the switch body from over the joining surface,” as recited in independent claim 3 and a “switch body includes a portion over the sensor space extended to cover a portion of the other side of the switch body over the sensor space,” as recited in independent claim 11. Accordingly, none of the cited references, singly or in combination, teaches or suggests the features recited in independent claims 3 and 11.

For at least these reasons, Applicant respectfully requests that the Office withdraw the 35 U.S.C. § 103(a) rejection of independent claim 11. Claims 13, 14 and 15 depend from independent claim 11. It stands to reason that the 35 U.S.C. §103(a) rejection of those dependent claims should be withdrawn as well. Claims 8-10 depend from independent claim 3. It stands to reason that the 35 U.S.C. §103(a) rejection of those dependent claims should be withdrawn as well.

CONCLUSION

The application is in condition for allowance. Early and favorable action is respectfully solicited.

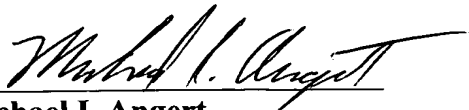
If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37

C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Dated: **November 26, 2008**

Respectfully submitted,

By 

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